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HERBERT A. VIERGUTZ

**HAND DELIVERED**

**January 10, 2006**

JAN 10 2006

AT 10:49 A.M.  
**BURR, PEASE & KURTZ**

**HAND DELIVERED**

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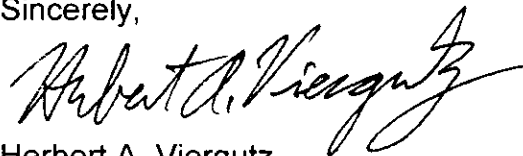
**Re: North Star v. Nugget Construction, et.al.**

Gentlemen:

In an effort to put an end to the outrageous allegations against my client vis a vis bad faith, as articulated, my client has agreed to produce documents previously withheld under claim of privilege. You no doubt appreciate that a motion for summary judgment will be filed regarding the allegations against my client on or before the due date pursuant to Court Order. Hopefully, that will be unnecessary, but I suspect the paranoia which exists may continue to cloud your judgment regarding allegations of bad faith against my client. I therefore urge you to seek expert opinion on a surety's obligation, prior to your continuing down the road which you have chosen, which will necessarily result in a Court Order favorable to my client.

Thank you for taking the time to consider this matter.

Sincerely,



Herbert A. Viergutz

HAV/sbj

cc: Traeger Machetanz, Esq - hand delivered w/enclosures  
Paul Stockler, Esq. - hand delivered w/enclosures  
Janice Smith w/enclosures